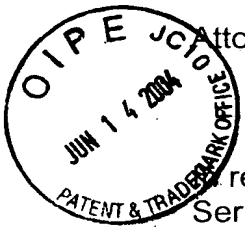


06-15-04

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Attorney Docket No. 5550.23

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Todd Anthony Layt  
Serial No.: 10/663,928  
Filing Date: September 16, 2003  
For: *St. Augustine Grass Named 'B12'*

June 14, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

Sir:

In reviewing the filing receipt (copy attached) for the above-referenced application, Applicant notes that the foreign application information is missing.

Applicant respectfully requests that the filing receipt be corrected to include the following foreign application data -- **Australian Plant Breeders Rights Application Serial No. 2002/342, filed on November 15, 2003, received by the Australian Plant Breeders Rights Office on November 26, 2002, and accepted on December 13, 2003** --. Applicant also respectfully requests that a corrected filing receipt be issued.

Applicants are submitting a Substitute Declaration herewith to indicate the correct priority date of November 26, 2002.

Respectfully submitted,

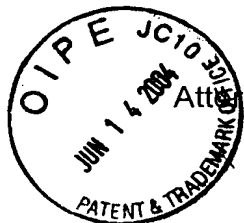
Karen A. Magri  
Registration No. 41,965

**Customer No. 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401

**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number: EV472537815US  
Date of Deposit: June 14, 2004  
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sarah Brunmeier



Attorney Docket No. 5550.23

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Todd Anthony Layt  
Serial No.: 10/663,928  
Filing Date: September 16, 2003  
For: *St. Augustine Grass Named 'B12'*

June 14, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMITTAL OF SUBSTITUTE DECLARATION  
UNDER 37 C.F.R. § 1.67 (a)**

Sir:

Enclosed is a Substitute Declaration for the above-identified application, which has been executed by the named inventor pursuant to 37 CFR 1.67. This Substitute Declaration is being submitted to correct the priority date based on Australian Plant Breeders Right Application 2002/342 to November 26, 2002. Applicant respectfully requests that the Substitute Declaration replace the Declaration filed on March 23, 2004.

No fee is believed due, however, the Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Respectfully submitted,

Karen A. Magri  
Registration No. 41,965

**Customer No. 20792**

Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
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Sarah Brunmeier

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Attorney Docket No. 5550-23

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **St. Augustine Grass** Named 'B12'

the specification of which

☐ is attached hereto

OR

☒ was filed on September 16, 2003 as United States Application No. \_\_\_\_\_ or PCT

International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I have asexually reproduced the plant to which this application applies.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f), or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

2002/342	Australia	11/26/2002	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. I also appoint the following registered attorney(s) to represent me before all competent International Authorities in connection with any and all international applications filed by me with an appropriate receiving office claiming priority to the U.S. application. I also appoint the following registered attorney(s) to make or receive payment on my behalf in connection with the filing of such international applications.

**Customer Number 20792**

Myers Bigel Sibley & Sajovec, P.A.

P. O. Box 37428

Raleigh, North Carolina 27627

Telephone: (919) 854-1400

Facsimile: (919) 854-1401

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Myers Bigel Sibley & Sajovec

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Direct telephone calls to:

Karen A. Magri

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Facsimile:

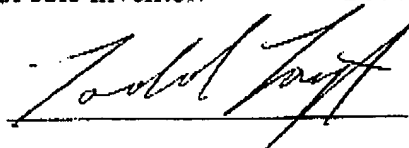
(919) 854-1401

Full name of sole inventor:

**Todd Anthony Layt**

Inventor's

Signature:



Date:

2-6-04

Residence:

New South Wales, Australia

Citizenship:

Australia

Post Office Address:

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Richmond NSW 2753

Australia